



(B)

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C. No.120/2007

APPLICANT
PETITIONER

Basant Kumar Tiwari, aged about 63 years, S/o. N.P. Tiwari, Vikas Vistar Adhikari, Mungeli, R/o. Madwani, Post Baitalpur, District Bilaspur (C.G.)

Versus

Respondents

1. State of Chhattisgarh through Principal Secretary, Panchayats and Rural Development Department, Raipur (C.G.)
2. State of Madhya Pradesh through Principal Secretary, Panchayats and Rural Development Department, Bhopal (M.P.)
3. Vikas Ayukta, Madhya Pradesh, Bhopal
4. Chief Executive Officer, Zila Panchayat, Bilaspur (C.G.)
5. Collector, Bilaspur (C.G.)
6. Board of Revenue, Chhattisgarh, through Registrar, Bilaspur.

APPLICATION for restoration of Writ Petition No.2428/2003.

Appearance:

Shri Anil Singh Rajput, counsel for the applicant.
Shri Ajay Dwivedi, Panel Lawyer for the State/respondents 1 and 5.

ORAL ORDER
(24.08.2007)

SUNIL KUMAR SINHA, J.

I.A. No. 01 of 2007.

Heard.

This is an application for condonation of delay in filing the M.C.C.
Notices were issued on this application on the last date of hearing.



It is stated that the M.C.C., which has been filed for restoration of dismissed writ petition is barred by limitation of 148 days.

Learned counsel for the applicant submits that the counsel for the applicant was Shri Nand Kishore Pandey, who expired, therefore, no one could appear in the case. Such averment is supported by the affidavit of the petitioner himself. He also submits that since the counsel was dead, the petitioner did not know about the progress of the case and ultimately, when he came to know about the dismissal of the case, he filed restoration application and also filed an application for condonation of delay.

Considering the facts and circumstances of the case, the application is allowed.

Delay in filing the M.C.C. is condoned.

M.C.C. No. 120/2007

Heard.

This application is filed on the same ground of death of the counsel.

It is stated that due to death of counsel for the petitioner nobody was appearing, and ultimately, the petition was dismissed in default.

Considering the facts and circumstances of the case, particularly considering the circumstance that the appearance on behalf of the petitioner could not be caused due to death of counsel and this fact is supported by the affidavit of the petitioner, the M.C.C. filed for restoration of Writ Petition No.2428/2003 is allowed.

Writ Petition No.2428/2003 is restored to its original number.

In view of the above, M.C.C.No.120/2007 stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge